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23 UNITED STATES DISTRICT COURT  
24 NORTHERN DISTRICT OF CALIFORNIA  
25 SAN JOSE DIVISION

26 CATERPILLAR INC., a Delaware  
27 Corporation,

28 Plaintiff,

v.

29 RENN TRANSPORTATION COMPANY,  
30 a California General Partnership, Renn  
31 Transportation, Inc., a California  
32 Corporation, BRAD RENN, GERALD  
33 RENN, and PATRICIA RENN, ANN  
34 RENN and, ROBERT RENN, individuals,  
35 and Does 1-10,

36 Defendants.

37 Case No. 5:06-CV-04529

38 **STIPULATION AND ~~PROPOSED~~ ORDER  
39 FOR RELIEF FROM SCHEDULING  
40 ORDER**

41 **(Local Rule 16-2(D))**

1 By signatures of their counsel to this Stipulation, the parties to this action stipulate that the  
 2 deadlines set forth in this Court's November 22, 2006 Scheduling Order may be continued as set  
 3 forth in the schedule below.

4 The parties desire to continue the dates set forth in the Scheduling Order for the following  
 5 reasons:

6 1. At the time of entry of the Scheduling Order, the Court had previously ordered,  
 7 pursuant to stipulation of the parties, that a mediation must be completed by February 12, 2007.  
 8 However, after the Court's November 14, 2006 Order referring the parties to the Court's  
 9 mediation program pursuant to ADR L.R. 6, the ADR Program did not contact counsel to begin  
 10 the mediation process. On January 11, 2007, counsel for Plaintiff contacted the ADR Program to  
 11 inquire as to the status of appointment of a mediator in this matter. The parties subsequently  
 12 learned that the ADR Program did not receive the automatic referral and that no mediators were  
 13 available to mediate this matter on or before the February 12, 2007 deadline. Accordingly, the  
 14 parties are now scheduled to conduct the mediation on March 20, 2007. Counsel for all parties  
 15 desire to devote their time, energies, and resources to trying to resolve this matter, rather than  
 16 expend resources conducting tasks necessary to comply with the rapidly approaching deadlines  
 17 (including discovery, expert witness, and dispositive motion deadlines) set forth in the Court's  
 18 November 22, 2006 Scheduling Order.

19 2. Additionally, on February 15, 2007, after the entry of the Scheduling Order,  
 20 Plaintiffs filed a Third Amended Complaint, in which a new party, Renn Transportation, Inc., was  
 21 added as a Defendant. The Defendants have yet to respond to the Third Amended Complaint,  
 22 which pursuant to the Court's February 15, 2007 Order is not due until April 2, 2007.

23 2. This Stipulation and Proposed Order is not interposed for purposes of delay but in  
 24 the interests of justice and the resolution of the controversies herein.

25 **Case Schedule**

26 3. Counsel for all parties have conferred with respect to these matters, and all parties  
 27 agree to the following Case Schedule:

<b>Disclosure of Expert Witnesses</b>	<b>May 21, 2007</b> (continued from March 19, 2007)
<b>Rebuttal Expert Witness Disclosures</b>	<b>June 11, 2007</b> (continued from April 2, 2007)
<b>Last Day For Hearing On Objections To Qualifications Or Testimony Of Expert</b>	<b>July 16, 2007</b> (continued from May 14, 2007)
<b>Close of All Discovery</b>	<b>July 23, 2007</b> (continued from May 21, 2007)
<b>Last Day For Hearing Dispositive Motions</b>	<b>August 27, 2007</b> (continued from July 23, 2007)
<b>Preliminary Pretrial Conference at 11:00 a.m.</b>	<b>October 22, 2007</b> (continued from September 24, 2007)
<b>Preliminary Pretrial Conference Statements</b>	<b>October 12, 2007</b> (continued from September 14, 2007)

Dated: March 6, 2007 FOLGER LEVIN & KAHN LLP

/s/ Karen J. Petrulakis

Karen J. Petrulakis

## Attorneys for Defendants

Renn Transportation Company, Renn Transportation, Inc. Brad Renn, Patricia Renn, Ann Renn and Robert Renn

Dated: March 6, 2007 SEDGWICK, DETERT, MORAN & ARNOLD LLP

/s/ *Randall G. Block*  
Randall G. Block  
Attorneys for Plaintiff Caterpillar, Inc.

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## **PROPOSED** ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED that the schedule set forth in this  
3 Stipulation and Proposed Order is hereby adopted by the Court and the parties are ordered to  
4 comply with this Order.

Dated: March 8, 2007

## The Honorable James Ware

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